

111TH CONGRESS  
2D SESSION

# H. R. 6002

To amend title II of the Social Security Act to provide that the waiting period for disability insurance benefits shall not be applicable in the case of a disabled individual suffering from a terminal illness.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 30, 2010

Mr. COSTELLO introduced the following bill; which was referred to the Committee on Ways and Means

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## A BILL

To amend title II of the Social Security Act to provide that the waiting period for disability insurance benefits shall not be applicable in the case of a disabled individual suffering from a terminal illness.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Terminally Ill Dis-  
5       ability Beneficiary Act of 2009”.

1 **SEC. 2. EXCEPTION FROM WAITING PERIOD FOR DIS-**  
2 **ABILITY INSURANCE BENEFITS OF INDIVID-**  
3 **UALS SUFFERING FROM TERMINAL ILLNESS.**

4 (a) IN GENERAL.—The first sentence of section  
5 223(a)(1) of the Social Security Act (42 U.S.C. 423(a)(1))  
6 is amended, in clause (ii) thereof in the matter following  
7 subparagraph (E)—

8 (1) by inserting “(I)” after “but only”; and  
9 (2) by inserting “or (II) if he has a terminal ill-  
10 ness (as defined in paragraph (3)) and his applica-  
11 tion for such benefits is filed during his waiting pe-  
12 riod (as so defined) which would otherwise be appli-  
13 cable under clause (i),” after “the first month in  
14 which he is under such disability,”.

15 (b) DEFINITION OF TERMINAL ILLNESS.—Section  
16 223(a) of such Act is amended further by adding at the  
17 end the following new paragraph:

18 “(3) As used in this subsection, the term ‘terminal  
19 illness’ means, in the case of any individual, a medically  
20 determinable physical impairment which is expected to re-  
21 sult in the death of such individual—

22 “(A) within the next 6 months, or

23 “(B) in the case of such an impairment which  
24 consists of a burn injury, within the next 12  
25 months.”.

1       (c) CONFORMING AMENDMENTS RELATING TO RET-  
2 ROACTIVE BENEFITS.—Section 223(b) of such Act (42  
3 U.S.C. 423(b)) is amended—

4           (1) by inserting “(1)” after “(b)”;

5           (2) by striking “An individual” and inserting  
6 the following:

7       “(2)(A) An individual”; and

8           (3) by adding at the end the following new sub-  
9 paragraph:

10       “(B) In any case in which the application for benefits  
11 under this section is filed during a waiting period (as de-  
12 fined in subsection (c)(2)) which is inapplicable solely by  
13 reason of clause (ii)(II) of subsection (a)(1), subparagraph  
14 (A) shall not apply with respect to benefits for months  
15 in such waiting period.”.

16 **SEC. 3. EFFECTIVE DATE.**

17       The amendments made by this Act shall apply with  
18 respect to benefits based on applications filed on or after  
19 the date of the enactment of this Act and benefits based  
20 on applications filed during a waiting period (as defined  
21 in section 223(c)(2) of the Social Security Act) in connec-  
22 tion with such benefits ending after such date.

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